

**US Army Corps  
of Engineers**  
Louisville District®

# Public Notice

Public Notice No.  
LRL-2017-00028

Date:  
12 Mar 2018

Close Date:  
27 Mar 2018

Please address all comments and inquiries to:  
U.S. Army Corps of Engineers, Louisville District  
ATTN: Simpson, CELRL-RDN, Rm 752  
P.O. Box 59  
Louisville, Kentucky 40201-0059

Phone: (502) 315-6691

This notice announces an application submitted for a Department of the Army (DA) Permit subject to Section 404 of the Clean Water Act (CWA).

APPLICANT: Mr. Phil Peden  
Bloomington Utilities  
600 East Miller Drive  
Bloomington, Indiana 47401

AGENT: Ms. Anna Knust  
Vet Environmental  
341 West Sample Road  
Bloomington, Indiana 47404

LOCATION: In Weimer Lake, an unnamed tributary to Clear Creek, and associated wetlands located at 3401 West Wapehani Road, in Bloomington, Monroe County, Indiana

Latitude: 39.141609°  
Longitude: -86.570048°  
7.5 Minute Quad: Bloomington, Indiana

PURPOSE: To remove a portion of a 'significant hazard' dam in order to avoid the associated risk and ongoing maintenance costs of the dam.

DESCRIPTION OF WORK: The applicant proposes to gradually drain the lake via pump and remove a 60 foot wide portion of the dam. The applicant would re-establish 237 linear feet of an intermittent stream through and downstream of the dam with riffle and pool complexes, reconnecting it to the existing stream channel. The project would include the relocation of 237 linear feet of intermittent stream, stabilization of 95 linear feet of intermittent stream, and the discharge of fill material into 0.2 acre of a forested wetland. In addition, the activity of pumping the water out of the lake and removing the dam would remove the hydrology to 8 acres of lakebed, including 2.36 acres of forested wetland fridge. As a result of the project, it is anticipated that both intermittent (519 linear feet) and ephemeral (470 linear feet) streams would reestablish themselves through the old lake bed. It is also expected that 1.1 acre of emergent wetlands, and 1 acre of forested/scrub/shrub wetland would establish themselves in association with the streams. In addition, it is anticipated that 7.5 acre of forest stream valley/forested wetland complex would establish itself in place of the old lakebed. The applicant proposes to seed and stabilize the lakebed with native trees, shrubs, and herbaceous species.

**AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES:** The purpose of the project is to modify the existing dam, constructed in 1909, to Weimer Lake that was the original drinking water supply of Bloomington. The lake has not been used for drinking water since approximately 1924. Currently, the dam has a “significant hazard” status. Due to the cost to improve and maintain the dam, the applicant proposes to release the water and cut out 60-feet of the dam. The applicant would be reestablishing 237 linear feet of intermittent stream channel along with riffle and pool complexes through and downstream of the dam. As a result of the project, it is anticipated that both intermittent (519 linear feet) and ephemeral (470 linear feet) streams would reestablish themselves through the old lake bed. It is also expected that 1.1 acre of emergent wetlands, and 1 acre of forested/scrub/shrub wetland would establish naturally in association with the streams. In addition, it is anticipated that 7.5 acre of forest stream valley/forested wetland complex would establish naturally in place of the old lakebed. The applicant proposes to seed and stabilize the lakebed with native trees, shrubs, and herbaceous species. No mitigation is proposed for this project since there would be an ecological lift in aquatic resources once monitoring of the reestablished stream and forested species along the streams riparian zone is complete.

**REVIEW PROCEDURES:** A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied.

The applicant obtained a Section 401 Water Quality Certification for this project on November 21, 2017 from IDEM.

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. Based on available information, the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest which might be damaged by issuance of the DA Permit.

The National Register of Historic Places has been examined, and it has been determined that there are no properties currently listed on the Register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archaeological, scientific, prehistoric, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 – Public Law 89-665 as amended (including Public Law 96-515).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All

Regulatory Division

North Branch

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factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife

values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines (40 CFR Part 230) promulgated by the Administrator, United States Environmental Protection Agency (USEPA), under authority of Section 404(b) of the CWA.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. It is presumed that all interested parties and agencies will wish to respond; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed project. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this permit request. Any objections which are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

Information pertaining to this application is available for public examination during normal business hours upon prior request. Drawings are available on Louisville District's Internet site at <http://www.lrl.usace.army.mil/Missions/Regulatory.aspx>. All comments regarding this proposal should be addressed to Simpson, CELRL-RDN at the address noted above and should refer to the Public Notice Number LRL-2017-00028.

If you desire to submit your comments by email, you must comply with the following:

- a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-2017-00028

Example:

Subject: LRL-2017-00028

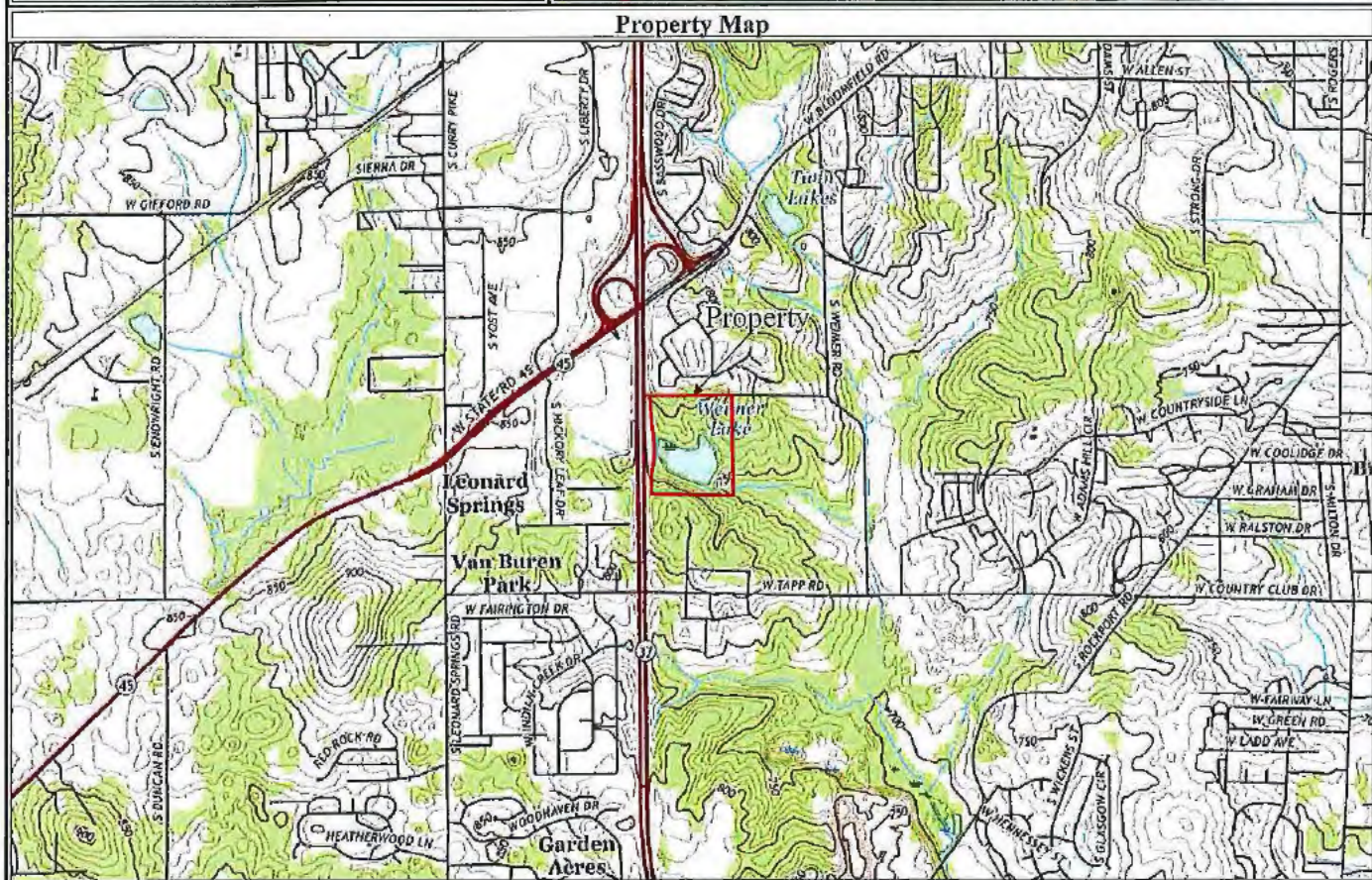
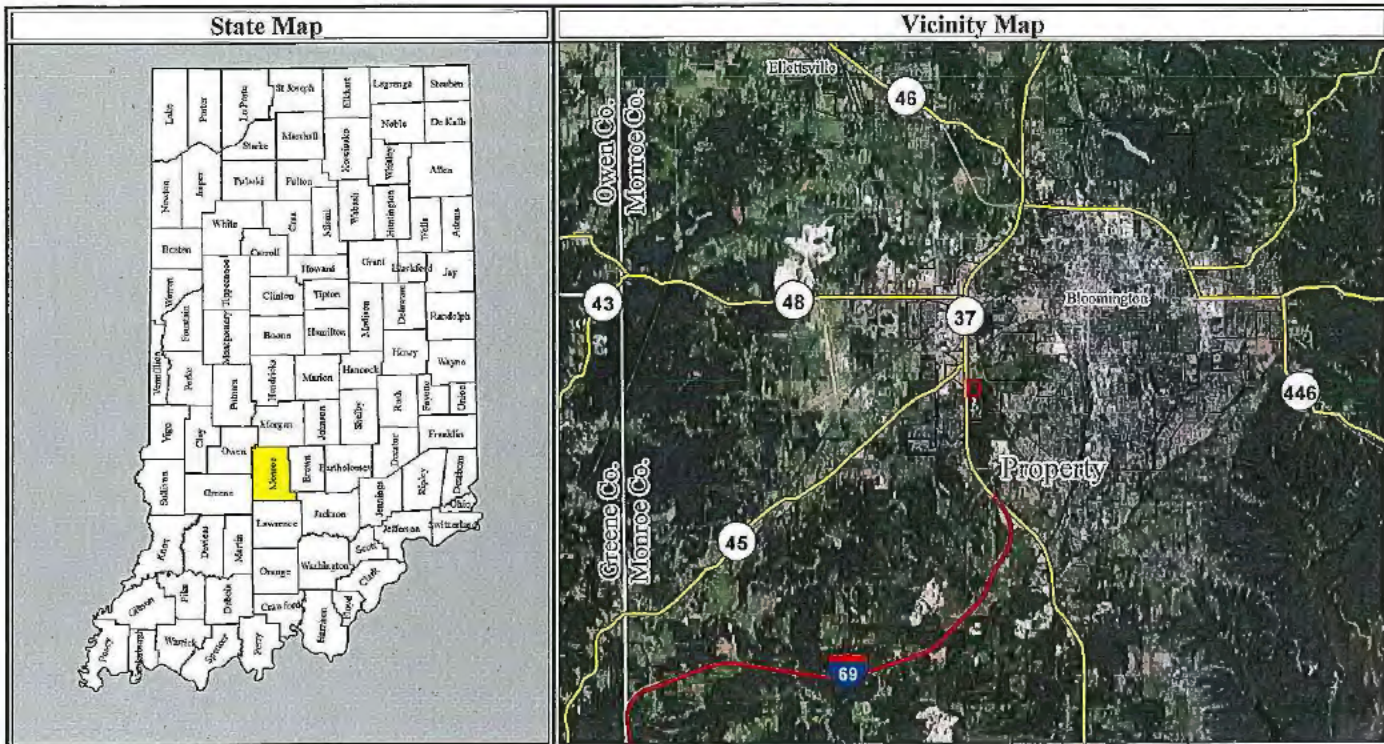
- b) Provide your physical mailing address and telephone number.

- c) Send your email to: [lrl.regulatorypubliccomment@usace.army.mil](mailto:lrl.regulatorypubliccomment@usace.army.mil)

- d) If you are sending attachments greater than 1 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.



### Vicinity Map



**VET Environmental Engineering, LLC**

341 West Sample Road  
Bloomington, IN 47404  
Phone: (812) 327-2838  
[www.vel-env.com](http://www.vel-env.com)

Title: State, Vicinity, and Property Map

**Location:** Weimer Dam  
South Weimer Road, Bloomington, Indiana  
Monroe County


$$1^{\circ} = 2,500''$$

0 0.1 0.2 0.3 Mile

Project:	Weimer Dam
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VET Project No.: 15-44

USACE ID No.:

Date: 10/28/2016

Exhibit:

Drawn By: RST

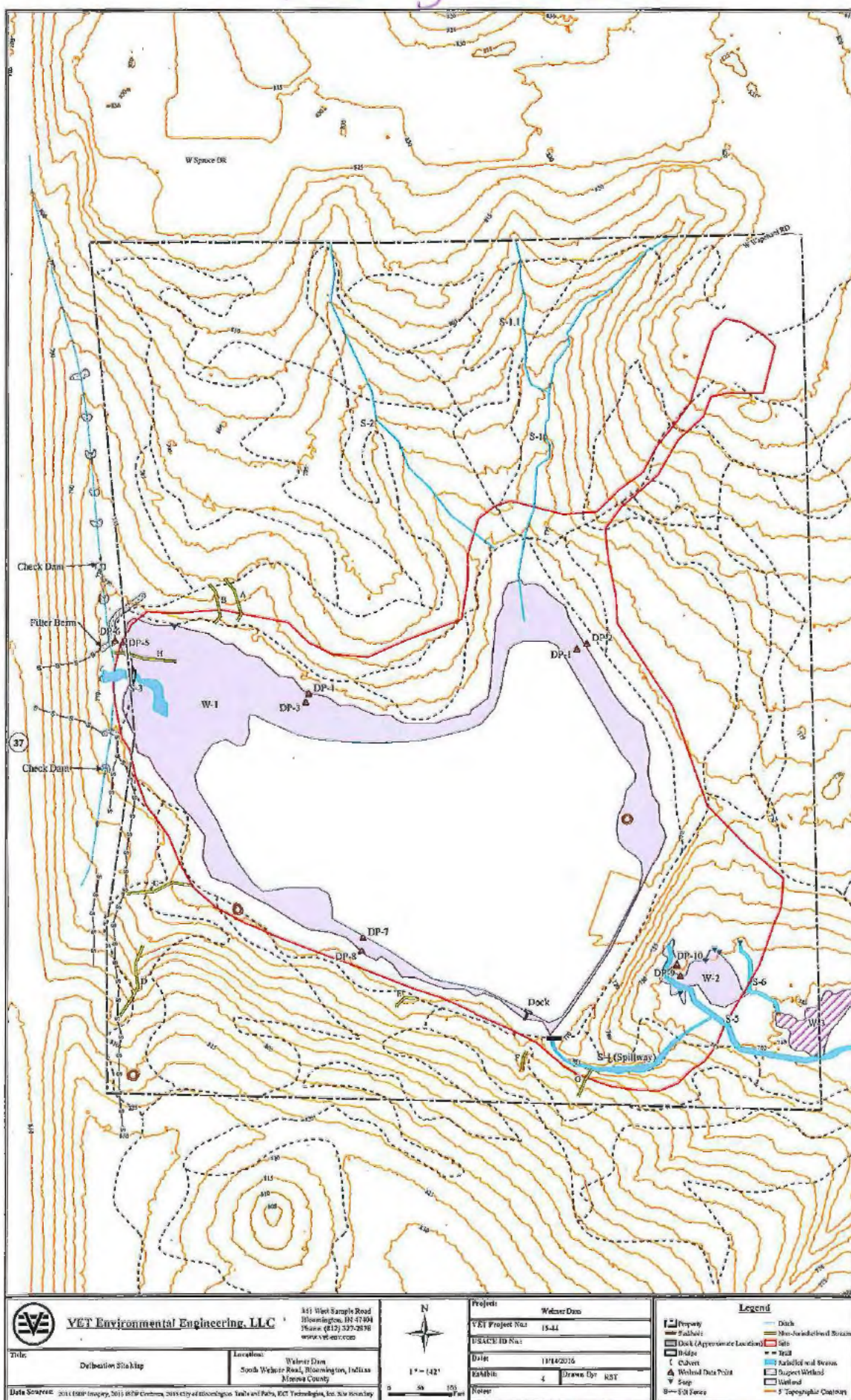
**Notes:**

**Data Sources:** 2016 USGS Bloomington Topo, 2014 NAIP Imagery, 2015 IDHS Parcels

Corps ID # LRL-2017-00028  
Figure 1 of 4



# Existing Conditions

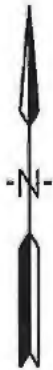


Corps ID # LRL-2017-00088  
 Figure 2 of 4

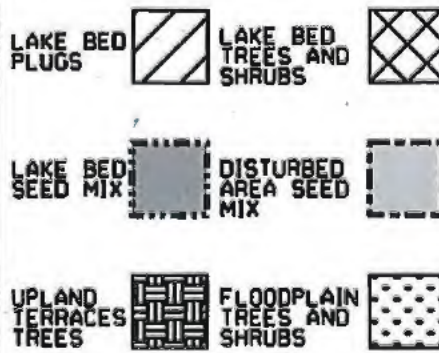


# Proposed Plan

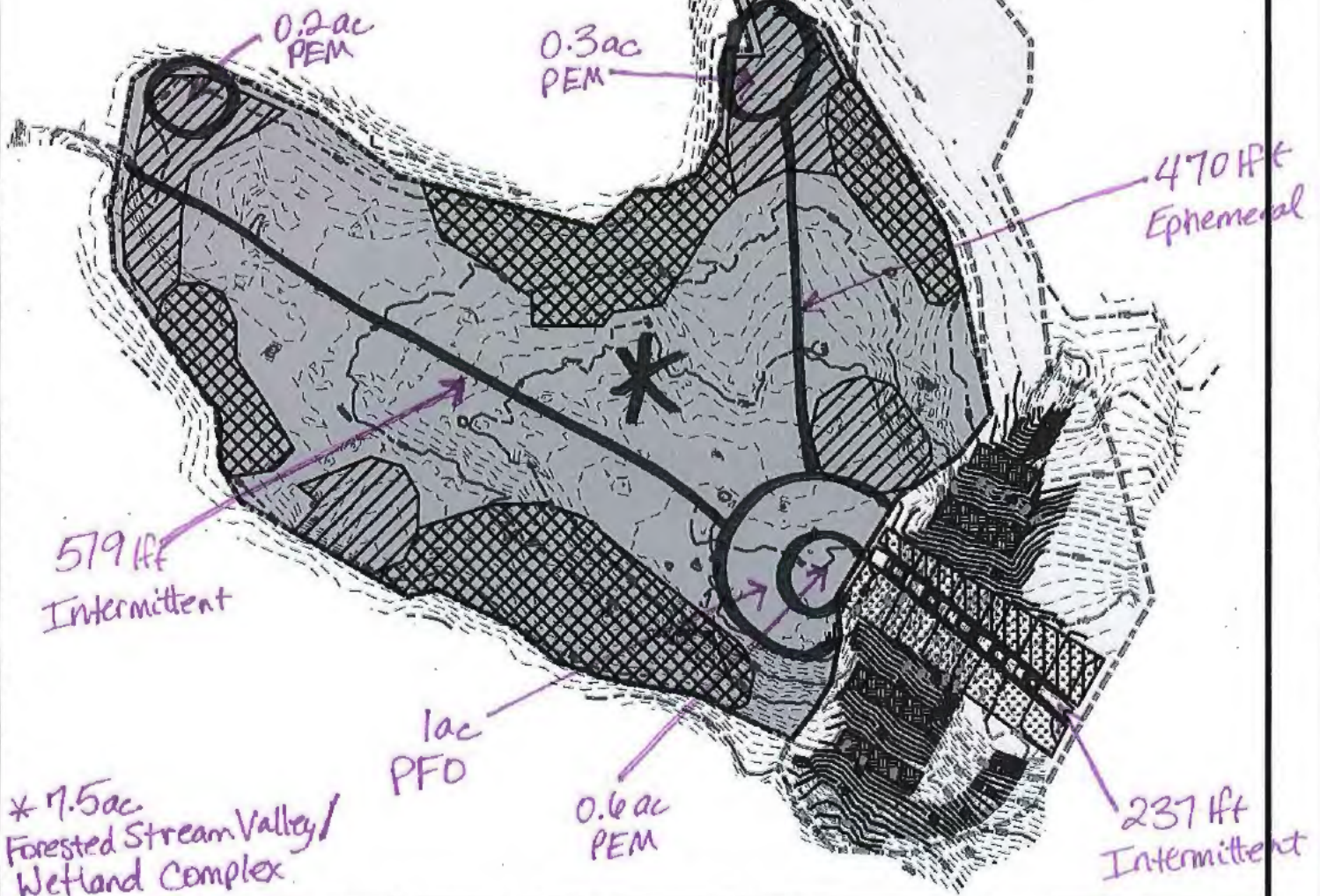
-75 0 75 150



## PLANTING PLAN LEGEND



PARKING LOT



ENGINEERS  
PLANNERS  
SCIENTISTS  
CONSTRUCTION MANAGERS  
6983 CORPORATE CIRCLE  
INDIANAPOLIS, IN 46278  
PHONE: (317) 243-9200  
FAX: (317) 243-9201  
WWW.KCI.COM

DATE

3/8/2018

DESIGNED BY

M. UNDERWOOD

WEIMER DAM REMOVAL  
WAPEHANI MOUNTAIN BIKE PARK

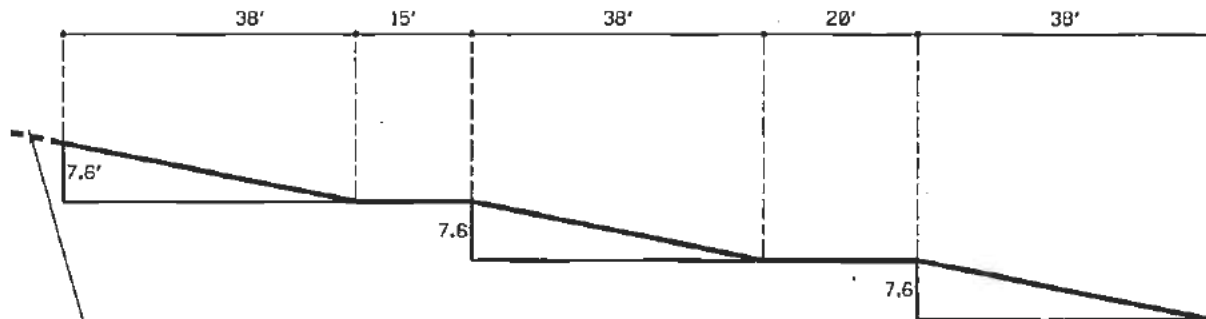
DESIGN PLAN VIEW

Corps ID # LRL-2017-00028

Figure 3 of 4



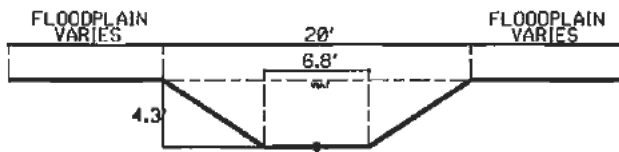
# Cross-Sections



TIE IN BOTTOM OF TERRACE TO PROPOSED FLOODPLAIN.  
SEE CHANNEL CROSS-SECTIONS ON SHEETS 5 - 8 FOR  
FURTHER DETAIL ON THE TERRACE LAYOUTS AND TIE INS.

## TERRACE - LEFT BANK

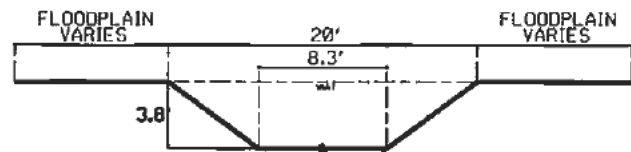
NOTE: MIRROR TERRACE FOR RIGHT BANK



• = THALWEG LOCATION

### TYPICAL POOL

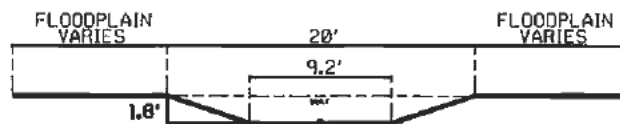
NOTE: ALL POOLS EXCEPT POOL BETWEEN  
STA 01+06 TO 01+14



• = THALWEG LOCATION

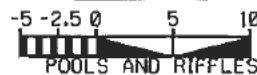
### TYPICAL POOL

NOTE: POOL BETWEEN STA 01+06 TO 01+14



• = THALWEG LOCATION

### TYPICAL RIFFLE



ENGINEERS  
PLANNERS  
SCIENTISTS  
CONSTRUCTION MANAGERS

6983 CORPORATE CIRCLE  
INDIANAPOLIS, IN 46278  
PHONE: (317) 243-9200  
FAX: (317) 243-9201  
WWW.KCI.COM

DATE

3/8/2018

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M. UNDERWOOD

WEIMER DAM REMOVAL  
WAPEHANI MOUNTAIN BIKE PARK

TYPICAL CROSS SECTION

CORPS ID # CRL-2017-00028

Figure 4 of 4